



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/711,279	11/10/2000	Peter I. Clarke	ERC-DATA	6853
545	7590	09/06/2006	EXAMINER	
ROGER PITT KIRKPATRICK & LOCKHART NICHOLSON GRAHAM LLP 599 LEXINGTON AVENUE 33RD FLOOR NEW YORK, NY 10022-6030			ALVAREZ, RAQUEL	
			ART UNIT	PAPER NUMBER
			3622	
DATE MAILED: 09/06/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/711,279

Applicant(s)

CLARKE ET AL.

Examiner

Raquel Alvarez

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to communication filed on 6/28/2006.
2. Claims 13-33 are presented for examination.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 17 recites the limitation "said first organization" in lines 6, "said visitor" on line 23, "the organization" on line 24. There is insufficient antecedent basis for these limitations in the claim.

5. Claim 29 recites the limitation "the respective organization" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

6. Claim 30 recites the limitation "the respective organization" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim

There is insufficient antecedent basis for these limitations in the claim.

7. Claim 17 recites "first organization" and "the organization" it is unclear if the two entities are the same or different entities. " a visitor" and a "website visitor" is claimed. It is unclear if "a visitor" and a website" are the same or different. For purpose of examination the organization and the first organization will be treated as being the same organization and the "visitor" and "website visitor" will be treated as being the same visitor.

Correction is required.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 13- 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al. (6,618,734 hereinafter Williams) in view of Official Notice.

With respect to claim 13, Williams teaches implementing an employment sourcing website on a publicly accessible network (i.e. Internet implemented third party behavioral assessment)(see Figure 1 and col. 3, lines 11-17); implementing on said publicly accessible network a first organization specific website associated with a first organization (i.e. the job candidate access the web to input and respond to the job opening (see Figure 1, step 100 and Figure 2, 101); receiving employment specific information on a plurality of positions from said first organization (Figure 1, 100);

transferring a first website visitor, visiting said first organization specific website over said publicly accessible network, from said first organization specific website to said employment sourcing website, said transfer being implemented in response to clicking of said employment hyperlink on said first organization specific website (i.e. immediately transferring the candidate from the employer web interview to the third party in order to proceed with BFOQ interview) (Figures 1 and 4 ; col. 3, lines 11-17); in response to clicking of said employment hyperlink on said first organization specific

website by said first visitor, presenting said employment sourcing website in a style which mimics said first organization specific website and receiving criteria respecting acceptable candidates for each of said plurality of employment positions from said first organization and a first series of questions associated with said criteria (i.e. the candidate is transferred to the third party seamlessly in order for the third party to present to the candidate the questions that resembles the substance of the client's information)(see figure 1, 300 and col. 7, lines 43-51); presenting, over said publicly accessible network, said information on said plurality of employment positions from said organizations to said visitor on said employment sourcing website and receiving over said publicly accessible network, a selection of one of said employment positions from said website visitor (see Figure 5); presenting, over said publicly accessible network, said first series of questions on said employment sourcing website to said first visitor, seeking information respecting said first visitor, said first series of questions being associated with said selected employment position (col. 7, lines 38-51); receiving, over said publicly accessible network, answers to said first series of questions from said first website visitor, said answers comprising information on said first website visitor (see figure 5, 201); scoring said answers from said first website visitor against said criteria for the selected employment position to determine whether information on said first visitor should be sent to said first organization (see Figure 5, steps 203, 204 and 205).

With respect to charging said first organization in response to a scoring determination on said visitor. Williams teaches the third party scoring and qualifying the candidate. Williams doesn't specifically teach paying the third party for their services.

Art Unit: 3622

Official notice is taken that it is old and well known for headhunters, employment agency to be paid for providing their services. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included charging said first organization in response to a scoring determination that information on said visitor should be sent to said first organization because such a modification would allow the third party of Williams to benefit from administering and scoring the tests.

Claim 17-20, 22, 23, 28-33, differs from claim 1 in that it further recites presenting an employment hyperlink on a plurality of websites and crediting the referring website. Official notice is taken that it is old and well known to hyperlink users to other websites and crediting the referring site. For example, referring sites are paid for referring visitors to conduct transactions with employers or vendors. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included charging said first organization in response to a referring a visitor because such a modification would allow the referring entities to be motivated to refer customer to the system of Williams.

Claims 14-16 further recite presenting other visitors from other employment hyperlinks other associated websites. Official notice is taken that is old and well known for the system of Williams to be used for other visitors, other employment and other associated entities because such a modification would allow the flexibility for the system to be used for a plurality of various users and employment agency and employers.

Claims 21, 24, 25-27 further recite receiving an indication that said website visitor is being considered for a position and blocking said website visitor from further use of the website and blocking information on said visitor from being transmitted by said website. Williams teaches third party scoring and making a determination on the eligibility of the candidates (Figure 1, 400). Williams is silent as to blocking the visitor after a determination and scoring has taken place. Official notice is taken that it is old and well known for blocking a participant from applying or retaking a test after a determination has been made in order to avoid the participant from applying more than once to the same test or position. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's position to have included recite receiving an indication that said website visitor is being considered for a position and blocking said website visitor from further use of the website and blocking information on said visitor from being transmitted by said website in order to obtain the above mentioned advantage.

Response to Arguments

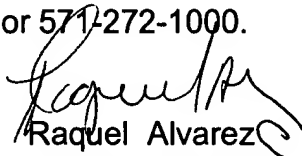
10. Applicant's arguments with to the claims have been considered but are moot in view of the new ground(s) of rejection.

Point of contact

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (571)272-6715. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric w. Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Raquel Alvarez
Primary Examiner
Art Unit 3622

R.A.
8/31/2006